

8-E - CASE Z-19009 - SEAGLADE AT ST. ANDREWS BAY, PRD SITE PLAN**APPROVAL**

CHAIRMAN SAM DAVIS: Okay. The last case is Z-19009, Seaglade at St. Andrews Bay.

ATTORNEY DAVID CONNER: Mr. Chairman, I have a conflict of interest on this item in that our firm represents Alabama Chapel, LLC. I spoke with Vince before the meeting, and he did not believe there was any legal issues.

This is a recommendation to the County Commission. And so if there are any legal issues that need to be addressed, they can be address between the recommendation and the time we proceed to the County Commission. Thank you.

COMMISSION MEMBER BRANDON BIAS: Mr. Chairman, I also have a conflict of interest in this case.

CHAIRMAN SAM DAVIS: Okay. So noted. Can we have a staff report?

MR. VINCE JACKSON: Yes. This is a request for PRD site plan approval. The subject property is located in Planning District 25, which is the Fort Morgan area. The general location is the south side of Fort Morgan Road, which is State Highway 180, west of Triple Tale Lane and east of Pontoon Lane.

The applicant is requesting, as I stated, PRD site plan approval for a twenty-seven (27) lot development on ten-point-five-three (10.53) acres. The development, if approved, will be known as Seaglade at St. Andrews Bay.

1 This is located on the south side of Fort Morgan
2 Road, again, west of Triple Tale Lane, and east of
3 Pontoon Lane.

4 Here is the locator map showing the subject
5 property. It does include a portion which is zoned
6 RSF-4, and a portion which is zoned RSF-1.

7 You have already seen the RSF-4 portion. You dealt
8 with a re-zoning. The property was originally zoned
9 RSF-1, and the County Commission approved the re-zoning
10 to RSF-4, I believe -- Let me -- let me check that real
11 quick -- in 2017. And the recommendation from the
12 Planning Commission at that time was approval.

13 If you notice, this is an unusual piece of property.
14 Those -- All of those lines that you see on there
15 surrounded in blue, those are lots of record. So those
16 are -- those are ninety-five (95) tiny, little lots that
17 was approved back in 1984 as a development called Palm
18 Tree Penthouse, which was never constructed.

19 At the time of the re-zoning of this property, the
20 applicant at that time envisioned seventeen (17) lots.
21 And the seventeen (17) lots envisioned at this time are
22 consistent with the seventeen (17) lots that are proposed
23 for this portion of the property.

24 With the RSF-1 portion, you can't see this on the
25 locator map, but I'll go to another map where it shows up
26 better. There are actually ten (10) lots of record on
27 that parcel, which are shown on one parcel's ID number.

28 If you look at this proposed layout, you notice

1 toward that end of the property how the lot lines
2 actually extend further. Those are the -- those are the
3 existing lots of record.

4 Now, those would become -- those would lose some of
5 their depth because of that deed-restrictive common area
6 which is shown to the rear of those lots. And that's one
7 of the reasons that they requested the PRD.

8 The developers have been working with Fish and
9 Wildlife. This is beach mouse habitat, except this is
10 being planned in an effort to address the beach mouse
11 issues. And they have been working with Fish and
12 Wildlife.

13 Now, one thing you'll notice in your -- in your
14 staff report, it mentions the gravel road which would be
15 constructed at the front of the lots. However, we
16 have -- and we have some -- some -- some letters from
17 residents of the Fort Morgan area expressing opposition
18 to the gravel road.

19 We also have information from Fish and Wildlife that
20 they would not approve a gravel road. They would approve
21 a concrete or asphalt. And we communicated that
22 information with applicant. They are aware. They have
23 said that they are agreeable to do concrete or asphalt.

24 And so if an approval is granted, we will need to
25 state on the record that the approval does not include
26 the gravel road as shown on the site plan.

27 We do think that this is a reasonable request. This
28 helps to correct this unusual situation that was left

1 over from 1984. Like I said, you've ninety-five (95)
2 lots of record on that parcel. And while they are
3 nonconforming, they are lots of record. And,
4 theoretically, they could be built on. I mean, it's
5 unlikely, but stranger things have happened.

6 We think this is a good plan. We think that this is
7 consistent with the original re-zoning. It's consistent
8 with the lots of record, which are existing on the RSF-1
9 portion of the property. And they are taking steps to
10 address the beach mouse issues and make sure the habitat
11 is protected.

12 They are proposing -- the large lot size is thirteen
13 thousand, three hundred ninety-six (13,396) square feet.
14 And the smallest would be six thousand, seven fifty-one
15 (6,751) but that would be in the area with the lots of
16 record where they become smaller because of the
17 deed-restricted common area.

18 They are proposing one hundred eighty-three
19 thousand, seven hundred six (183,706) square feet of open
20 space, which is approximately forty percent (40%) of the
21 entire development. We only require twenty percent
22 (20%). So they will be exceeding the open space
23 requirement. And that would include the -- the
24 deed-restricted common area, which would be Lots 18
25 through 27 of the RSF-1 area.

26 Once again, we do feel that this is a reasonable
27 request. We did have some letter of opposition that were
28 submitted regarding the gravel road. And you should have

1 received those.

2 We also, if you'll notice in your staff report,
3 there's a letter of opposition there that refers to this
4 as a propose commercial development. It is not
5 commercial. These are going to be single-family,
6 residential lots, single-family detached homes. They
7 will not be condominiums.

8 The zoning designations make no provisions
9 whatsoever for commercial use. I want to be real clear.
10 This is not a commercial re-zoning. This is actually a
11 PRD site plan approval.

12 The process works in much the same way as a
13 re-zoning, where the Planning Commission makes a
14 recommendation to the County Commission. And the County
15 Commission will have the final vote.

16 And the staff recommendation is for approval. And I
17 will be happy to answer any questions you-all have.

18 CHAIRMAN SAM DAVIS: Any questions for Vince?

19 COMMISSION MEMBER BONNIE LOWRY: Vince, a
20 simple question. When we talked previous to this with
21 the PRD, it was our understanding -- And I delivered it
22 to the people at Fort Morgan -- that it was because of
23 Fish and Wildlife, they wanted the gravel road rather
24 than the pavement.

25 MR. VINCE JACKSON: I think there was a
26 misunderstanding. And in the feedback -- I mean, that --
27 that was our understanding, that -- that, you know -- and
28 part of the reason for the PRD was because of the gravel

1 road, because the regs requires pavement. But there are
2 other reasons for the PRD as well. That was not the only
3 reason.

4 And in communicating what we learned from Fish and
5 Wildlife to the applicant, I think the applicant's
6 original understanding was they would be okay to do a
7 gravel road as well.

8 We didn't find out until Tuesday that Fish and
9 Wildlife had an issue with the gravel road. So, you
10 know, if we had known prior to writing the staff report,
11 we would have provided that information earlier than what
12 we did.

13 COMMISSION MEMBER BONNIE LOWRY: The reason I
14 ask is because just recently Baldwin County graveled the
15 end on the beach side of Fort Morgan on the gulf, the
16 very end of Mobile Street.

17 MR. VINCE JACKSON: Uh-huh. (Indicates
18 affirmatively.)

19 COMMISSION MEMBER BONNIE LOWRY: And it is an
20 all-gravel parking area, which is under ITP, the beach
21 mouse, the whole bit. And I don't understand the
22 difference in what they originally said and what they're
23 saying now.

24 MR. VINCE JACKSON: I can't speak to that. I
25 mean, I -- I guess it would have been the Highway
26 Department that did that. And that's -- you know, I'm
27 not involved with paving of beach access. So, you know,
28 you may want to direct that question to the Highway

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1 Department or directly to Fish and Wildlife.

2 COMMISSION MEMBER BONNIE LOWRY: Is there a
3 possibility that Fish and Wildlife has a ruling on
4 streets, whether they be paved or graveled or just sand
5 or whatever --

6 MR. VINCE JACKSON: We can --

7 COMMISSION MEMBER BONNIE LOWRY: -- that we
8 could find for future reference?

9 MR. VINCE JACKSON: We could ask Mr. Lynn if
10 there is a particular provision. We could incorporate
11 that. We'll be glad to look into it.

12 CHAIRMAN SAM DAVIS: Any other questions for
13 Vince?

14 (No response.)

15 CHAIRMAN SAM DAVIS: Thank you. Vince.

16 We'll open the public hearing at this time. We're
17 going to do it a little differently. We're going to
18 start with the opposition, because we have engineers here
19 for the program. So by starting with the opposition,
20 we'll get your questions on the record and then hopefully
21 get those answered.

22 So it looks like we've got three people signed up
23 against. Who would like to start?

24 (An audience member approached the podium.)

25 THE COURT REPORTER: And state your name,
26 please.

27 MR. GREG STRATEGIER: My name is Greg
28 Strategier. I live at corner of Pontoon and Ponce de

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1 Leon. So this is adjacent or close to where live.

2 I really want to -- I'm happy about the gravel road,
3 that it won't be allowed. But I'm more here -- kind of
4 what Bonnie said. I attended the Fort Morgan meeting to
5 approve this.

6 And, Bonnie, you and the other Commissioners from
7 Planning and Zoning stated this wasn't an approval for
8 this -- this site. It was an approval -- that this
9 development was already approved, this PDR, and it was
10 only related to the road.

11 And it doesn't look like that's true. It looks like
12 this has not been approved, and we're doing that today.
13 And so if you came to the Fort Morgan meeting -- I've
14 been going there for a couple years. There might be
15 three or four people show up. There was probably
16 twenty-five (25) people there and all upset about it.

17 So I feel like this is an injustice to move this
18 forward without doing the public hearing again at the
19 Fort Morgan level or to get an advertisement out there
20 that's clear.

21 It -- it's really misleading. Because we were
22 told -- and there's several people here in this room
23 tonight that went to that meeting. And we were basically
24 told it's about the road. The development's already
25 approved.

26 And that really took the wind out of everybody's
27 sails. That's why not many people showed up here
28 tonight. And so that's -- that's my biggest complaint.

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1 I'm not thrilled about having a subdivision where people
2 do what people do. Like we said, there's progress. But
3 I think it's an injustice for the people of the area not
4 to put this out more clearly, and particularly when they
5 did show up to a meeting to express their opinion just to
6 be told it was already done.

7 So that's -- that's my biggest complaint tonight.
8 I'm very happy about the road not being gravel. I was
9 very concerned about that. But I don't think you're
10 going to get a fair representation of the people who live
11 in the area and property owners unless we tried -- there
12 needs to be better communication out there about this
13 subdivision.

14 CHAIRMAN SAM DAVIS: Okay. As far as this
15 Commission is concerned tonight, this would be -- if
16 staff recommendation is taken and followed or
17 recommended, it would only be a recommendation to the
18 County Commission.

19 MR. GREG STRATEGIER: Yes.

20 CHAIRMAN SAM DAVIS: So then the County
21 Commission will have a hearing thirty (30) days or so
22 from now, by which time anyone that may have
23 misunderstood the first hearing at Fort Morgan would be
24 able to address their County Commissioners and also
25 attend the meeting.

26 MR. GREG STRATEGIER: Yeah. I'll -- I'll get
27 the word out so they'll better understand the process.

28 CHAIRMAN SAM DAVIS: All right.

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1 MR. GREG STRATEGIER: Thank you.

2 CHAIRMAN SAM DAVIS: Any questions for this
3 gentleman?

4 COMMISSION MEMBER ARTHUR OKEN: Yes, sir. So
5 you do favor the PRD, you just --

6 MR. GREG STRATEGIER: I do not.

7 COMMISSION MEMBER ARTHUR OKEN: You do not
8 favor it?

9 MR. GREG STRATEGIER: I do not favor it.

10 COMMISSION MEMBER ARTHUR OKEN: Thank you.

11 MR. GREG STRATEGIER: I'm very happy about the
12 road part, but I do not favor it.

13 CHAIRMAN SAM DAVIS: Okay. Thank you, sir.

14 MR. GREG STRATEGIER: All right.

15 COMMISSIONER CHARLES "SKIP" GRUBER: Anyone
16 else in opposition would like to address?

17 AN AUDIENCE MEMBER: Mr. Chairman, I came in
18 late, so I didn't sign up.

19 CHAIRMAN SAM DAVIS: Okay.

20 THE COURT REPORTER: And you're going to have
21 to state your name and spell it for me since you don't
22 have a sheet.

23 AN AUDIENCE MEMBER: I'll do that.

24 THE COURT REPORTER: Thank you.

25 MR. MICHAEL LUDVIGSEN: My name is Michael
26 Ludvigsen. That's L-U-D-V-I-G-S-E-N. And I live on Fort
27 Morgan Road as well.

28 So there is obviously some concern about the

1 development itself. And obviously there is a bigger
2 concern about the process.

3 And so I do have a question for y'all to start off
4 with; and that is, as the Fort Morgan group, the Planning
5 and Zoning group makes recommendations, I'm not sure
6 where I see that in this whole process.

7 Bonnie sits on that group. A number of us attend
8 those meetings. And we always felt the reason for that
9 process is to mitigate a hundred (100) of us showing up
10 at this meeting so that that information gets
11 communicated to this group kind of in a compiled method
12 so that you don't have a hundred (100) of us showing up,
13 and so that our -- our wants or our desires or our
14 concerns are -- are conveyed to this group.

15 So in watching this, I'm not sure where that occurs.
16 I haven't seen anything on the sheet of paper that says
17 that group approved or disapproved or was in favor or not
18 in favor nor have I heard anything. So that's just to
19 convey that concern to you.

20 The other thing that I think is a concern as I watch
21 this process is there's an awful lot verbal communication
22 between developers, between applicants, to both our group
23 and you as well, and to staff.

24 And so this confusion about the gravel road is a
25 good example. I'm the one that talked to Bill. Bill and
26 I serve on a couple committees together. And I mentioned
27 to him the gravel road and said, hey, you know that did
28 get approved. And the Fort Morgan group, and the big

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1 thing is the gravel road that -- that you want. And he
2 conveyed to me, I never said that.

3 So that's -- that's a concern to me that there's
4 nothing in writing from Fish and Wildlife to say here's
5 what we want, you know.

6 So it's all this communicating is going on, but
7 there's nothing solid. And I think that's real important
8 when we're looking at this, whether it's at the Fort
9 Morgan level or your level, we know in fact that that's
10 what they're requesting or that's what they have asked
11 for.

12 And we never see that. It's a lot of discussion in
13 general that's coming from the developer or from the
14 property owners that wants something changed. So that is
15 kind of a concern to me, too.

16 I'm -- I'm -- I'm not even going to get into all of
17 the minutia of why, I think, generally we're -- we're
18 against this. Obviously, we don't like to see, you know,
19 density increase. And we're really pushing for that.

20 I know that the current lots were much smaller. And
21 I understand that. And the perception is that because
22 they are lots of record, that they're buildable. And
23 that simply, in my experience, is not the case. Just
24 because they're there and they're tiny doesn't mean
25 they're buildable.

26 I own a property in Mobile at the loop area. And my
27 property is not constructible at all, even though I've
28 got lots that are ten-by-fifteen (10X15). And they're

1 lots of record. We pay tax on it, but they're not
2 constructible.

3 So just because of that, that's not a reason to
4 re-zone and allow this development to go forward, just
5 because we're reducing the density from what appears to
6 be on the -- on the map.

7 So just as we move forward, I think clarification on
8 these points would be helpful, and it would eliminate
9 some of the confusion and some of the frustration, I
10 think, from the other property owners.

11 I think you covered it well. I really think -- I
12 understand how far it's gotten, but I can tell you now
13 there's going to be a huge uproar from the folks on Fort
14 Morgan to find out that the whole thing is not what we
15 expected and not what we thought.

16 And I hate to throw it back that way, but I really
17 think that's the only fair way to do this at this point,
18 is to go back to that and, you know, be transparent with
19 what's really happened.

20 Because that's the way it was presented, Bonnie is
21 one hundred percent (100%) right, it was presented that
22 the only reason for doing this was the gravel road.

23 And I think it's important for them to know, whether
24 they support it or are against it, it doesn't really
25 matter. But there's this feeling out there that's going
26 to come away from this that, you know, we are hoodwinked.
27 And that wasn't the intention. And I understand that,
28 but that doesn't over -- overcome the perception.

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1 CHAIRMAN SAM DAVIS: I think -- I'm not sure if
2 you were here when our attorney had to recuse himself,
3 but I think your question is more a legal question. His
4 response to that, if one came up, is that it probably
5 need to wait to be answered at Commission level.

6 MR. MICHAEL LUDVIGSEN: Sure.

7 COMMISSIONER CHARLES "SKIP" GRUBER: So I wish
8 we could answer that one, but we're not equipped to.

9 COMMISSION MEMBER BONNIE LOWRY: Let me -- if I
10 may, let me say this. All of these situations that come
11 before us here at the Planning and Zoning Commission are
12 advertised for three weeks in advance in the newspaper.

13 At the Planning and Zoning Advisory Committee at
14 Fort Morgan, I made the statement that if you have a
15 question or are unsure about a zoning ordinance, then you
16 go to the internet and find out everything. All of them
17 are on there, all of the regulations are on there. All
18 the rules are on there.

19 We were of the understanding, Vince and I -- because
20 I talked to Vince -- that Fish and Wildlife was the one
21 that was saying they would rather the gravel road rather
22 than the paved road because of the both the wetland area
23 and the beach mouse.

24 This has nothing to do with gravel getting on or off
25 a road or beach or anything else. That can always be
26 sifted. What we were told originally was that the gravel
27 was a much better surface because of the wetlands that
28 this property is surrounded on both the north and the

1 south.

2 And rather than all the water running back down that
3 hill for all you people down to Ponce de Leon, this would
4 retain that water in that upper wetland.

5 Now, that was a situation originally. What I have
6 heard tonight is the fact that Fish and Wildlife wants a
7 paved road. Well, I think they should make up their
8 mind.

9 And I would like to know, in a legal form, what the
10 rule and regulation is and where is it printed in the
11 Fish and Wildlife book and what it specifically says
12 about beach mouse and wetland territory.

13 Also, this is an V-zone, which is a totally flood
14 one hundred percent (100%) zone.

15 MR. MICHAEL LUDVIGSEN: I think you're going to
16 have to get Bill here, because you're going to find out
17 it's fairly subjective. Bill is the guy, and he comes in
18 and evaluates case by case and makes recommendations.
19 And that's how it's been for a while. And that's why we
20 asked Bill to come and talk to the -- the association on
21 this.

22 COMMISSION MEMBER BONNIE LOWRY: Well, the
23 thing I know to say is there's miscommunication between
24 two Federal bodies or whatever, governmental bodies.

25 MR. MICHAEL LUDVIGSEN: Sure. And -- and I
26 understand, Bonnie. And I'm not pointing fingers. It's
27 just where we are and what I -- what I --

28 COMMISSION MEMBER BONNIE LOWRY: What Sam says,

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1 this is needs to -- this can go before the County
2 Commission, because they've got lawyers up there.

3 MR. MICHAEL LUDVIGSEN: Well, sure. And now
4 it's on public record. And that's what we're trying to
5 do. That way the County Commission understands what's
6 going on, too. So I appreciate the opportunity. Thank
7 you, Mr. Chairman.

8 CHAIRMAN SAM DAVIS: Thank you, sir.
9 Doug Baily.

10 MR. DOUG BAILEY: Yes. Doug Baily with HMR
11 Engineers representing the -- the owner, who is also
12 here. Tim McCrory is here representing the development
13 group.

14 I -- again, I don't know how the confusion about the
15 Fish and Wildlife and the surface of the road came up.
16 But we did get another e-mail, as Vince mentioned,
17 earlier this week from Bill Lynn where they were back off
18 of the furlough or the shutdown.

19 And he said that he heard, and that they definitely
20 wanted it to be concrete or asphalt. And so we responded
21 to Vince Jackson that we were okay with that. That's not
22 a problem to go to the -- to the concrete and asphalt.

23 It will increase the runoff a little bit, but we
24 only have a twenty (20) foot road width. And part of the
25 PRD is also to establish that.

26 You know, we've got the wetlands areas, of course,
27 and the wetlands to the south of us, which is part of the
28 beach mouse habitat.

1 We spend well or a year back and forth in meetings
2 between ADEM, our wetlands scientist, which is our
3 wetlands scientist out of Pensacola, Craig Martin.
4 You've probably met before here, and also talking to ADEM
5 about the permitting of all this.

6 We tried to minimize and avoid as much as possible.
7 We limited the square footage of the houses, the
8 footprint of houses shown for each lot, and minimized the
9 driveway width.

10 And all the lots are remaining as sand. You can't
11 have any grass or planting on it, kind of like over at
12 Keva Dunes and some of the other areas that have --
13 worked with the beach house habitat before. So that all
14 plays into the PRD as well.

15 But that being said, I'm here to answer any
16 questions y'all may have otherwise.

17 CHAIRMAN SAM DAVIS: Any questions for Doug?

18 (No response.)

19 CHAIRMAN SAM DAVIS: All right. We'll --

20 MR. DOUG BAILEY: Also, I would -- Also, I
21 would mention -- I apologize. By doing the PRD, you
22 know, earlier we saw a couple projects here tonight that
23 had some questions about the density and the zoning. And
24 they didn't have the density as high as what the zoning
25 would allow. And there was some concern if that was
26 passed, then something could change.

27 With the PRD here, the zoning that you approve, the
28 lot width that you approve, as y'all know, that's what we

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1 have to stick with. So we feel like it gives the County
2 and the -- and the -- and Fish and Wildlife, ADEM, more
3 guaranty of what we're going to do. So that was another
4 reason.

5 Thank you.

6 CHAIRMAN SAM DAVIS: All right. Thank you.

7 Mr. McCrory, you got anything you'd like for us to
8 know?

9 MR. TIM MCCRORY: My name is Tim McCrory. I'm
10 one of the developers and kind of represent the
11 neighbors.

12 And I'm sorry for the confusion as well. I hoped to
13 be at that meeting. And I got an e-mail that the meeting
14 was yesterday. I did not get notified that the meeting
15 was the week prior.

16 I would have loved to have been there to help
17 clarify some of this. I was there yesterday, and there
18 was no meeting. So I apologize for that.

19 Just to kind of give you a little history real
20 quick, we acquired five (5) acre of this land and then
21 partnered to the neighbor to the west and came before the
22 Planning Commission and County Commission to get
23 seventeen (17) lots approved.

24 On the advice of Bill Lynn, we basically have been
25 doing everything in our power to limit the impact on the
26 property with regard to beach mouse, limiting the size
27 and the footprint of the houses, and trying to make
28 something that's, you know -- what represents what the

1 Fort Morgan is about, what the surrounding property, you
2 know, is about, and just build simple, small,
3 single-family houses, you know, that comply or are the
4 same nature as what's already in Fort Morgan.

5 I live and work there. My office is at Keva Dunes.
6 If anybody that'd like to come talk to me at anytime is
7 welcome to come by my office, that has any questions or
8 concerns about what we're doing, if we're approved.

9 But, you know, I'm sorry for the confusion. It's
10 always been my understanding from Bill Lynn that we were
11 going to have to have a paved or -- paved concrete or
12 asphalt road.

13 There are never an intention for us to build a
14 gravel road. I never even knew that was under PRD
15 requirements, that that was something we could do. So,
16 you know, I never had any intention of building a gravel
17 road.

18 All my figures on computing, you know -- putting
19 infrastructure -- We'll have underground utilities. You
20 know, we can tend to do -- you know, I'm going to have,
21 you know, houses that comply, fit like, you know -- have
22 something that looks -- they all blend together.

23 I want to have, you know, a nice entrance. You
24 know, I just -- I want to do something that's going to
25 make everybody happy that it's there.

26 It's not going to take away from anybody else that
27 lives next to us. So, you know, that's been what we've
28 striving for.

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1 It's taken us a long time to get here. And I can
2 promise you I'm not trying to go down there and just
3 build a whole bunch of, you know -- just develop this
4 property to its maximum, you know, to the detriment of
5 any of the neighbors that are surrounding us.

6 CHAIRMAN SAM DAVIS: All right. Thank you,
7 sir.

8 Any questions for Mr. McCrory?

9 (Mr. Greg Strategier indicating.)

10 CHAIRMAN SAM DAVIS: From the Commission up
11 here.

12 (No response.)

13 CHAIRMAN SAM DAVIS: Okay. Thank you, sir.

14 MR. TIM MCCRORY: Thank you.

15 CHAIRMAN SAM DAVIS: All right. You got
16 something else you'd like to add?

17 MR. GREG STRATEGIER: I like to address him.

18 CHAIRMAN SAM DAVIS: Well, actually, you can't
19 address him, but you can address us. And we can try to
20 get those answered for you.

21 MR. GREG STRATEGIER: Greg Strategier, again.
22 I'm curious if the habitat compliance plan has been
23 completed. I'm curious if the ITP plan has been
24 completed. Some more information to know what the plans
25 are for the beach mouse, for the area, for the wetlands.
26 It seems to be lacking.

27 CHAIRMAN SAM DAVIS: We'll get staff to answer
28 that question.

1 MR. GREG STRATEGIER: Okay.

2 MR. TIM MCCRORY: I'll be happy to --

3 CHAIRMAN SAM DAVIS: If you could answer it.

4 MR. TIM MCCRORY: I believe our plan has been
5 submitted. And part of our -- we've got -- we're going
6 to have deed restrictions, obviously, to create common
7 area.

8 Basically why we're here with the PRD is those lots
9 of record, those ten (10) lots, those adjoining property
10 owners to the east -- Bill Lynn wanted us to put all the
11 property together so we'd have one habitat conservation
12 plan.

13 So I had to reach out to all the adjoining
14 neighbors, agree to this private road -- which is going
15 to be costly, obviously. And we all had the
16 understanding we were going to pave or concrete from the
17 beginning input, and underground utilities.

18 But we submitted a habitat conservation plan, all of
19 us. And all that common area that abuts the adjoining
20 neighbors to the south is going to be protected.

21 And we've got to make it part of our deed
22 restriction. And we've got to put to the habitat
23 conservation plan in our deeds so every owner that buys
24 it now, buys it fifty (50) years from now is going to
25 have to comply with that deed restriction.

26 And we're going to have a homeowners association.
27 And there will be money funding in that homeowners
28 association not only to maintain that road moving

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1 forward, but we're also going to have to monitor the
2 beach mouse, you know, make sure that habitat remains
3 like it is.

4 There's open space and that we're trying to protect
5 and create -- and our hope is to go and work with Fish
6 and Wildlife to plant some sand fencing in there, plant
7 some sea oats in there, you know, just so it hopefully
8 kind of builds up and looks a little bit more like the
9 beach, you know, as we're moving forward.

10 And Fish and Wildlife is in agreement. They'll
11 allow us to go do some of that in that area. But other
12 than that, we can't -- nobody can walk -- nobody is
13 supposed to walk on it. Nobody is supposed to disturb it
14 at all.

15 CHAIRMAN SAM DAVIS: Thank you, sir.

16 Staff have anything else to add?

17 (An audience member indicating.)

18 MR. VINCE JACKSON: I think she might want
19 to --

20 CHAIRMAN SAM DAVIS: Let's get this comment,
21 and then we'll close the public hearing.

22 AN AUDIENCE MEMBER: Vince, can you pull up the
23 calendar?

24 THE COURT REPORTER: Are you signed up to
25 speak?

26 AN AUDIENCE MEMBER: What?

27 THE COURT REPORTER: Have you signed up to
28 speak?

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1 AN AUDIENCE MEMBER: Yes.

2 THE COURT REPORTER: What's your name?

3 MS. JAMIE STRATEGIER: Jamie Strategier.

4 Hello. My name is Jamie Strategier. And I live adjacent
5 to Ponce de Leon and Pontoon, on this property.

6 CHAIRMAN SAM DAVIS: I'm having trouble hearing
7 you.

8 MS. JAMIE STRATEGIER: I'm sorry. I understand
9 that half of this area has already been re-zoned for
10 RS-4. Now there is a new area that's being added as
11 RS-1; correct?

12 MR. VINCE JACKSON: Yes.

13 MS. JAMIE STRATEGIER: And it's supposed to be
14 thirty thousand (30,000) square foot minimum lots; right?

15 CHAIRMAN SAM DAVIS: Vince, you want to answer
16 that?

17 MR. VINCE JACKSON: The RSF-1 section -- and
18 that's the -- that's the part without all the lines --
19 that's where ten (10) lots of record are already located.

20 As I stated earlier in my comments, they will lose
21 depth because of the deed-restricted common area. But
22 one of the reasons with a -- with a PRD, you can have
23 smaller lot sizes than you would normally have under the
24 zoning designations.

25 That's one of the things that the PRD site plan
26 allows you to do. It just doesn't allow you to increase
27 density. So your -- your lot sizes can be smaller. You
28 just can't put more than what would normally be allowed.

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1 Like I said, these are lots of record. They're
2 already there. They're just becoming smaller because of
3 deed-restricted common area. And that's one of the
4 reasons why they requested the PRD for this property.

5 CHAIRMAN SAM DAVIS: Does that answer your
6 question?

7 MS. JAMIE STRATEGIER: I guess so. None of the
8 lots are thirty thousand (30,000). None of them are
9 half. None of them are fifteen thousand (15,000).

10 There's one that's thirteen thousand (13,000).
11 There is a few there are ten thousand (10,000). But
12 that's one-third of what the RSF-1 is, minimum
13 requirement of thirty thousand (30,000) square feet.

14 So I was wondering how did that happen. But I
15 understand now with the PRD you can kind of do anything
16 with the lot size as long as the density with the homes
17 is still within what's required.

18 CHAIRMAN SAM DAVIS: Bonnie, did you have a
19 question?

20 COMMISSION MEMBER BONNIE LOWRY: Maybe an
21 explanation. Ten (10) of the seventeen (17) --

22 MS. JAMIE STRATEGIER: Right.

23 COMMISSION MEMBER BONNIE LOWRY: -- lots --

24 MS. JAMIE STRATEGIER: Uh-huh. (Indicates
25 affirmatively.)

26 COMMISSION MEMBER BONNIE LOWRY: -- they were
27 probated a long time ago, 1946, '47, if I'm correct,
28 Vince. And they can't change, period, unless they come

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1 under this.

2 It's the seventeen (17) lots that were changed as
3 far as the zoning was concerned originally.

4 MS. JAMIE STRATEGIER: Uh-huh. (Indicates
5 affirmatively.)

6 COMMISSION MEMBER BONNIE LOWRY: And that went
7 back and it was approved by this Commission back in June
8 of 2017. And at that time, Fort Morgan Planning and
9 Zoning Advisory Committee didn't exist. We weren't put
10 into power or anything until September or October of --
11 of 2017.

12 But the PRD, itself, it doesn't really do any damage
13 to the area or the character of the area, because these
14 are all single-family homes. The smallest lot is about
15 eight thousand (8,000) square feet; the largest lot
16 thirteen thousand (13,000) square feet.

17 MS. JAMIE STRATEGIER: Only one. Only one.

18 COMMISSION MEMBER BONNIE LOWRY: Yeah. But
19 those are good-sized lots, even in between that. I doubt
20 seriously that the lot you're living on is any more than
21 that.

22 And I all of the homes that are on south side of
23 this project that face the gulf, those homes are not
24 really going to be affected by this for the road or
25 anything else.

26 In fact, they may raise the price of the value of
27 the homes. Because when you're talking about a home
28 that's twenty-two (2,200), twenty-three hundred

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1 (2,300) square feet up to twenty-six hundred

2 (2,600) square feet, those are nice homes.

3 None of them are going to look the same. Because
4 it's my understanding that the owners are selling -- are
5 going to sell the property to the homeowner. And the
6 homeowner gets to choose what that house is going to look
7 like.

8 And that's way down the road, when it comes through
9 the Planning Department. But I don't believe any of this
10 is going to upset or lower the character of Fort Morgan
11 or the residences around it.

12 That's the reason a bunch of us got together and
13 called different people, to literally find out what they
14 were going to put on it.

15 This doesn't really have anything to do with what
16 they're going to put on it. This is simply a re-zoning.

17 CHAIRMAN SAM DAVIS: Any other questions for
18 this lady?

19 MS. JAMIE STRATEGIER: I do have one more
20 comment. All of the houses or the lots that are not
21 built on yet along Ponce de Leon that buffer this area,
22 there are approximately thirteen (13) or fourteen (14)
23 lots there. And this area is now going to house
24 twenty-seven (27), which is almost double.

25 And I -- I -- I don't understand. I -- I -- now I'm
26 understanding it's a subdivision. It's PRD. That's how
27 they can get away -- that's how this happens?

28 COMMISSION MEMBER BONNIE LOWRY: Vince, put up

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1 the other slide, the long road. There you go.

2 MS. JAMIE STRATEGIER: Right. So basically two
3 lots per lot going down, two lots; correct?

4 MR. VINCE JACKSON: Well --

5 MS. JAMIE STRATEGIER: It's not consistent with
6 the surrounding --

7 MR. VINCE JACKSON: Well, let -- let me -- let
8 me be clear about the property that's zoned RSF-4. And
9 we'll put the -- the existing lots of record aside.

10 Under the RSF -- the property that's zoned RSF-4
11 already, if it was subdivided conventionally, could have
12 up to thirty-seven (37) lots. They're proposing
13 seventeen (17) lots on the RSF-4 section.

14 And if this PRD site plan is approved, once they
15 begin construction, they are locked in on seventeen (17)
16 lots. They can't go back and do thirty-seven (37). Any
17 changes would have to go back through the PRD process,
18 which is a recommendation from the Planning Commission
19 and a final vote before the County Commission.

20 So, in my opinion, seventeen (17) is better than
21 thirty-seven (37).

22 MS. JAMIE STRATEGIER: Thank you.

23 CHAIRMAN SAM DAVIS: Any other questions?

24 MS. JAMIE STRATEGIER: Thank you.

25 CHAIRMAN SAM DAVIS: Thank you.

26 We'll close the public hearing at this point.

27 Vince, do you have anything else you'd like to say to us?

28 MR. VINCE JACKSON: I just wanted to -- you

1 know, we advertise these -- these cases. There are
2 advertisements that are run in papers. There are
3 advertisements that are sent to the adjacent property
4 owners.

5 And at no point -- and I've got a copy of the ad
6 right here. There is nothing in there that would give
7 you the indication that this is a done deal.

8 This is a request for PRD site plan approval. Yes,
9 based on the information that we had originally, we
10 thought that Fish and Wildlife was okay with gravel
11 roads.

12 And we knew that that was one reason that were
13 requesting the PRD, but that was not the only reason.
14 And it's stated in the staff report some of the other
15 reasons.

16 One thing I would point out is Fish and Wildlife was
17 closed during -- because of the government shutdown. So
18 we were not able to get comments from them right away.
19 When we did get the comment about the gravel road, we
20 sent it to you-all as quickly as we could.

21 This is a two-step process. Actually, this is going
22 to end up being a three-step process. What we have
23 before us tonight is the recommendation. You-all will be
24 voting on a recommendation to the County Commission.

25 So sometime in March, there will be a public hearing
26 before the County Commission. So everyone who has
27 concerns will have an opportunity at that time to -- to
28 go to the County Commission meeting in Bay Minette and

1 voice those concerns to the Commissioners.

2 Then if the PRD site plan is approved, there will
3 be -- they will need to submit for subdivision approval.
4 So that will be a public hearing before this body, where
5 you-all are the final authority.

6 So there -- there are going to be a number of times
7 where people will have an opportunity to comment on this.
8 And, obviously, if -- if the PRD site plan is approved by
9 the County Commission, then when they have the
10 subdivision request for the Planning Commission, that's
11 something where the Fort Morgan Zoning Committee will,
12 again, have an opportunity to provide comments.

13 So there's going to be a lot of opportunity to --
14 for people to provide input on this. I would
15 encourage -- I'm -- I'm -- I'm sorry that there was
16 apparently confusion.

17 But I would encourage anyone from the area that --
18 that has concerns, that have questions, to call us in the
19 Planning and Zoning Department, come meet with us. We'll
20 pull out the files. We'll go through every little detail
21 and answer every little question.

22 And I -- I would really encourage everyone to do
23 that. I have an office in Bay Minette. I have an office
24 in Robertsedale. We don't have an office in Fort Morgan,
25 but I can go to Foley. We have an office down there.
26 So, you know, I can go where I need to be. But I can
27 gladly talk with all of you that have concerns.

28 The PRD process is intended to address situations

1 where there are environmental concerns. And in this
2 instance, we have concerns over the beach mouse. So that
3 is the reason why they are proposing the common areas
4 that they are, why they're proposing the lots to be
5 configured as they are, and why they're proposing the
6 deed-restricted common area.

7 We have received a copy of proposed restrictive
8 covenants that apply to this. Those are in the file.
9 And certainly anyone can take a look at that.

10 But, you know, from the point where -- where they --
11 before re-zoning of the -- the portion that is currently
12 zoned RSF-4 -- and that's the -- that's the portion that
13 was re-zoned, the portion in orange that was re-zoned in
14 2000 -- I mean, 2017, they were already working with Fish
15 and Wildlife.

16 They have been working with Fish and Wildlife
17 through this whole process of trying to come up with --
18 with -- with a solution to a difficult situation.

19 The ninety-five (95) lots of record, we -- we know
20 that it's unlikely that those would ever be built on. I
21 mean, they're -- you know, the -- the required setbacks
22 are more than -- than the width of the lot.

23 But what -- what could happen, these -- There's a
24 process through -- through the County where existing
25 adjacent lots of record can be combined. And they're
26 combined by recording deeds. They don't have to come
27 through the subdivision process.

28 So some of those smaller lots, theoretically, could

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1 be combined into lots that could be built on. Whether
2 it's likely to happen, I don't know. I mean, it could.

3 And if somebody -- somebody combined some of these
4 small lots into one and they came to us with a land use
5 certificate showing that they met all of the area and
6 dimensional requirements, we would have to approve it.

7 With the PRD site plan, once this is approved, once
8 they commence construction, this is what they have to
9 build. So it gives you more an assurance about what will
10 happen on this property.

11 Like I said, on the RSF-4 portion, with that
12 acreage, they could -- they could potentially development
13 up to thirty-seven (37) lots. Now, they may not get
14 thirty-seven (37) lots if they went through the
15 conventional process, but that's what -- that's the
16 density that they would be allowed.

17 Again, I think this is a better. This is a
18 better -- this is a better scenario than thirty-seven
19 (37) lots on that acreage.

20 But, again, for all of you who have concerns, please
21 call me. Call anybody in the Planning Department. We
22 will be glad to sit down and talk with you. We will go
23 through the file. We will answer your questions.

24 And that's all I have for right now.

25 CHAIRMAN SAM DAVIS: Thank you, Vince.

26 All right. Any more questions for Vince?

27 (No response.)

28 CHAIRMAN SAM DAVIS: Staff has recommended a

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1 recommendation of approval to the County Commission. Is
2 there a motion to do so?

3 COMMISSION MEMBER ARTHUR OKEN: Motion,
4 Mr. Chairman, to recommend approval with the exception of
5 the gravel road, approve the PRD, but not the gravel
6 road.

7 CHAIRMAN SAM DAVIS: I'm sorry. I couldn't
8 understand that.

9 COMMISSION MEMBER ARTHUR OKEN: I'm -- I'm
10 doing as you asked, approving -- I'm -- I'm moving to
11 recommend approval to the County Commission of the PRD
12 excepting with specificity the gravel road.

13 CHAIRMAN SAM DAVIS: Okay. All right. Y'all
14 heard the motion. Is there a second?

15 COMMISSION MEMBER BONNIE LOWRY: Second.

16 CHAIRMAN SAM DAVIS: Okay. There is a second.
17 All in favor, say aye.

18 (Commission Members say "aye" in unison.)

19 CHAIRMAN SAM DAVIS: All opposed?

20 (No response.)

21 CHAIRMAN SAM DAVIS: Passes unanimously.

22 MR. VINCE JACKSON: Once again, this is a
23 recommendation to the County Commission. We will know in
24 a few days when the County Commission hearing will be
25 held. And, again, please call me, come see me. I'll
26 happy to answer any of your questions.

27 CHAIRMAN SAM DAVIS: All right. Thank you,
28 Vince.